(*f*) Yes.

MEDICAL OFFICER-IN-CHARGE OF THE SREEMOOLANAGARAM DISPENSARY—COMPLAINTS REGARDING

316. Mr. P. Narayana Menon *(Trippunittura)*: Will Govrnment be pleased to answer.—

(*a*) did the Government get a mass petition recently from the public of Vellarapilli about the conduct of the Medical Officer-in-charge of the Sreemoolanagaram Dispensary;

(*b*) what action did the Government take in the matter?

Rao Sahib Dr. T. Verghese (*Chief Medical Officer*):

(*a*) Yes.

(*b*) The allegations against the Sub-Assistant Surgeon were enquired into by the Chief Medical Officer. It was found that the charges were based merely on prejudice and incorrect information. The Sub-Assistant Surgeon was however found not tactful enough in dealing with people. He has been therefore asked not to give rise to any complaints.

HOARDING AND PROFITEERING PREVENTION ACT—CASES UNDER

317. Mr. K. Narayana Menon *(Mulakunnathukavu)*: Will Government be pleased to state.—

(*a*) the number of cases under the Hoarding and Profiteering Prevention Proclamation, Act detected by the Hoarding and Profiteering Staff;

(*b*) the number of prosecutions if any for cases in (*a*);

(*c*) the results of such prosecutions?

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commisssioner of Police)*:

(*a*) 58 (reported to the Police).

(*b*) 14.

(*c*) All the 14 cases are pending trial.

LORRY DRIVER—PROSECUTION OF

318. Mr. K. Narayana Menon *(Mulakunnathukavu)*: Will Government be pleased to state.—

(*a*) whether the lorry driver (in question No. 264 kindly answered at the last Session) is being prosecuted;

(*b*) if the answer to (*a*) is in the affirmative, for what offence;

(*c*) at what stage is the case now;

(*d*) who was the informant of the offence at the Trichur Town Police Station?

Khan Sahib Y. M. Roshan Sahib Bahadur *(Commissioner of Police)*:

(*a*) (*b*) & (*c*). The driver was prosecuted under section 77 read with section 107 of the Cochin Motor Vehicles Act, for causing obstruction. The prosecution was withdrawn before the trial commenced on the request of the accused.

(*d*) Police Constable No. 553.

Adjournment Motion

Mr. President: I have received a letter from Mr. Moothedan apologising for his apparent discourtesy yesterday and repeating his notice of motion for the adjournment of the House. I am afraid I am of opinion that his motion is not in order. It concerns not only the Government of Cochin, but the Government of Travancore which is not open to discussion in this House.

I cannot say now exactly how the business of the House will go, but it is possible that Government business will be concluded before tomorrow evening. In that case I think will be for the convenience of the Hon'ble Members to proceed straight to the Non-official Business which is put down for Thursday.

LEGISLATIVE BUSINESS—GOVERNMENT BILLS

The Cochin Vagrancy Bill

Clauses 2 to 7 put and carried

Clause 18

Mr. K. Narayana Menon *(Mulakunnathukavu)*: Sir, I have tabled two amendments to clause 8 of the Bill and they both together will complete the section. May I move both?

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Mr. President: I think it better to take them separately. They are not actually connected.

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg to move that in clause 8 after the wor s "accompany him" the words "and if he refuses arrest him" may be inserted. The power to arrest in such circumstances is granted in another section, clause 20. My object is only to transfer that power conferred by clause 20 to this clause and I think it is a more appropriate place for the provision to come in.

Mr. M. Krishna Menon *(Trichur-North):* I second the amendment.

Mr. M. Sivarama Menon *(Advocate-General):* The Government have no objection to accept the amendment.

Amendment put and carried

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg to move that in the same clause after the word "which", the existing words "the offence is committed" may be deleted and the words "such person is found" may be substituted. The reason for the proposed amendment is that it is seen from the clause that an *apparent* vagrant is the person that is sought to be taken before the Magistrate and the presence of a person who is apparently a vagrant in any area is not an offence. Therefore, I submit that it may be better to substitute the words "such person is found".

Mr. M. Krishna Menon *(Trichur-North):* I support the amendment.

Mr. M. Sivarama Menon *(Advocate-General):* The Government have no objection to accept the amendment, in view of the amendment tabled by the very Hon'ble Member to clause 20.

Amendment put and carried

Clause 8 as amended put and carried

Clause 9

Mr. K. Narayana Menon *(Mulakunnnthukavu):* The amendment that I propose to clause 9 is only a formal one. The Hon'ble House will see that it consists of so many independent, conditional clauses each dealing with separate subjects and separate contingencies. I think it is preferable to have these numbered separately both for easy reference and better appreciation. In that view, the clause 9 (1) will end with the full stop after "such person". Clause (*b*) will commence "If the Magistrate is not satisfied,....etc. Clause (*c*) will be "If the Magistrate finds that,....etc. I submit that it may be useful and expedient to have these numbered separately for better reference.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I support the amendment.

Mr. M. Sivarama Menon *(Advocate-General):* There is no objection for the Government to accept this amendment.

Amendment put and carried

Mr. K. Narayana Menon *(Mulakunnathukavu):* It is only a verbal alteration which I propose to make—"Provided that the Magistrate may, if he is satisfied that the vagrant brought before him under secton 7 or 8 will not, if released, resort to vagrancy, direct his release with or with out surety as he may deem it, in this clause I sumbit that the first portion "Provided that the Magistrate" may be deleted and "if the Magistrate is satisfied" may be substituted. It is only a verbal alteration.

Mr. M. Sivarama Menon *(Advocate-General):* In view of the renumbering we have no objection to delete the proviso and substitute the words as suggested.

Amendment put and carried

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg leave of the Chair to make a small alteration in the order in which the amendment appears. I have tabled the amendment as 2 (*a*) and the existing clause to be there as it is. In subsequence I think it is better to have this before the present section 2 because this is a provision which immediately affects the previous clause 9(1) (*c*). I request the Chair will give me leave to do so.

Mr. President: Yes.

Mr. K. Narayana Menon *(Mulakunnathukavu):* The amendment reads as follows:—"Any vagrant against whom an order is passed under 9(*i*) (*c*) shall be given a certified extract of such order free of cost and any authority acting under section 8 shall on production of such order allow the vagrant to pass through or remain in any part of the State *en route* during the

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time granted by such order". The object of the amendment can be I think better illustrated than explained. If a vagrant who has residence at Pattambi is caught at Ernakulam and is ordered to leave the State *via* Shoranur there is a possibility of this man not being able to reach his destination, that he wants to, within any reasonable time, since he may be caught within the jurisdiction of every other Magistrate on the way under the procedure contemplated in section 8 with the result that it may take a month or so before he reaches the State limits. I want to see if possible that such a contingency is avoided and the vagrant is protected on his way out of the State. The amendment is only to that effect.

Mr. M. Krishna Menon *(Trichur-North):* I second the amendment.

Mr. M. Sivarama Menon *(Advocate-General)* : Government accept the amendment.

Amendment put and carried

Clause 9 as amended put and carried

Clause 10

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg to move that in clause 10 (*iii*) (e) the words "what is" may be deleted, as they are not necessary for the construction of the section.

Mr. K. Kunhirama Menon *(Cheruthuruthi):* : I second it.

Mr. M. Sivarama Menon *(Advocate-General)* : Government accept the amendment.

Amendment put and carried

Clause 10 as amended put and carried

Clause 11 put and carried

Mr. K. Narayana Menon *(Mulakunnathukavu):* I don't move my amendment to clause 12 It will suffice if the word "officer" is changed into officers, which the Government can do at the third reading.

Clause 12 put and carried

Clause 13

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg to move in clause 13 (*iii*) after the word "settlement" and before the words "at a rate" the words "for the maintenance of every inmate" may be inserted. There may be other inmates also in the settlement who are not vagrants and so the word inmate may be changed into "vagrant". The clause as amended would read "Government may grant aid to any home or institution certified to be a Relief Settlement for the maintenance of every vagrant at a rate not exceeding the amount spent or a vagrant"....

Mr. K. Kunhirama Menon *(Cheruthuruthi)* : I second it.

Mr. M. Sivarama Menon *(Advocate-General)* : Government accept the amendment.

Amendment put and carried

Mr. K. Narayana Menon *(Mulakunnathukavu):* In the same clause after the words "a vagrant" and before the words "by Government" insert the words " for his food, clothing and bedding". The object is only to avoid a possible mis-conception that the amount to be given is for the whole settlement whereas the idea of the Government as I understand it is to subsidise to the extent of the inmates at the rate per head the amount spent on a vagrant. To make that idea clear I move the amendment.

Mr. M. Sivarama Menon *(Advocate-General)* : Government accept the amendment.

Clause 13 as amended put and carried

Clause 14

Mr. K. Narayana Menon *(Mulakunnathukavu)* : I move that in clause 14 after the words "personal effects" and before the word "of" the words "if any" may be inserted.

Mr. President: What is the point of the amendment ?

Mr. K. Narayana Menon *(Mulakunnathukavu):* There is a subsequent order providing for the sale of valuables.

Mr. President: I do not see what addition these two words make and how they are going to add any sense to the clause.

Mr. K. Narayana Menon *(Mulakunnathukavu):* There is a subsequent clause which orders the sale of valuables. Personal effects may be valuables or may not be valuables. It is only to make the distinction between valuables and personal effects. There is a possibility of

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these two being mixed up. Some people may have iron rings or copper rings or some may have some vessels of no value.

Mr. President: But they are included in the term "personal effects".

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I wanted to make only a distinction.

Mr. M. Sivarama Menon *(Advocate-General)*: The point was raised and we discussed the matter and it was agreed that the amendment will not be moved.

Mr. K. Narayana Menon *(Mulakunnathukavu)*: In the same clause after the word "money" and before the word "then" the words "or other valuables, may be inserted. The amended clause according to my amendment will read thus".....and that the personal effects of such vagrant shall be inspected and any money or other valuables then found with or on the vagrant shall be applied in the manner prescribed towards the welfare of vagrants....." The object is only this. The clause as it stands appears to have two parts, *i.e.*, the personal effects found with or on the vagrant shall be sold and the money applied in the manner prescribed for the welfare of the vagrant and money being applied as aforesaid. The object is not to make any new provision but only to compile the two things together that the money and the sale proceeds of the valuables, if any that has been realised from the body or possession of the vagrant may be applied for the welfare of the vagrant.

Mr. President: I confess that I am unable to see that the amendment adds anything to the clause.

Mr. K. Narayana Menon *(Mulakunnathukavu)*: It does not add anything but it only rearranges.

Mr. President: Nor does it rearrange.

Mr. M. Sivarama Menon *(Advocate-General)*: Let me explain, Sir, that under the clause as it stands now there is a specific provision that personal effects may be sold and the sale proceeds applied in the manner prescribed. Personal effects include money. There is absolutely no necessity for any change because personal effects include money as well found with the vagrant.

Mr. K. Narayana Menon *(Mulakunnathukavu)*: If it is so clear I do not press it. My idea is to make the provision clear. I have no other idea.

Amendment, by leave, withdrawn

Clause 14 put and carried

Clauses 15 to 17 put and carried

Clause 18

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I beg to move, Sir, in clause 18 (c) the words "asking for alms" may be omitted and resorting to vagrancy may be substituted. Asking for alms is not the only offence and so I want to make it a comprehensive term as defined in the Act.

Mr. M. Sivarama Menon *(Advocate-General)*: Government accept the amendment.

Amendment put and carried

Clause 18 as amended put and carried

Clause 19 put and carried

Clause 20

Mr. K. Narayana Menon *(Mulakunnathukavu)*: I beg to move that in clause 20 the words "shall be" may be deleted and the words "any person evading, preventing or offering resistence to any authority acting under section 8" may be substituted. It is a penal provision making certain acts punishable. Certain persons are authorised under clause (*a*) to take action where vagrants suspected or real are found and it will be seen that there is a provision to arrest them and to take them before a Magistrate. This clause as it now stands makes the very refusal of a person just on the asking to accompany the officer punishable. I think that in view of the novelty of the Act and the possibility that persons who are real vagrants are not able to understand the significance of their conduct. There is every possibility of not knowing the consequence of his refusal to accompany the officer. If it is made punishable under this clause as it now stands the first place where the vagrant will have to be sent to, will be more the Central Jail than the Beggar Home. It is not a contingency which is contemplated. I think that the punishment that is awardable to him for non-compliance with the request to accompany the other can best be made up by a liability to arrest and to be taken before the Magistrate. Unless there is further offence

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committed of offering resistence to his arrest, etc., the punishment need not be provided for the refusal to accompany and that is the object with which this amendment is tabled. As I submitted, the earlier part of the section has been drafted on to section 8 and the remaining portion of the section has been modified accordingly. I commend this for the kind acceptance of this Hon'ble House.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* The Government accept the amendment.

Amendment put and carried

Clause 20 as amended put and carried

Clauses 21 and 22 put and carried

Clause 23

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg to move, Sir, that instead of the words "at the end" appearing between "shall" and "of" the words "on the day of expiry" may be substituted. It is only a verbal alteration to fix the date on which the person is to be produced before the Magistrate.

Mr. M. Sivarama Menon *(Advocate-General):* I accept the amendment.

Amendment put and carried

Clause 23 as amended put and carried

Clauses 24 to 27 put and carried

Clause 28

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg to move, Sir, that in clause 28 (1) all words occurring after the word "institutions" may be deleted and the words "under Section 13 (3)" may be substituted. This is only a reproduction of what is contained in Section 13 (3) and a reference to Section 13 (3) will be a complete provision and will bring in all that is required.

Mr. M. Sivarama Menon *(Advocate-General):* I accept the amendment.

Amendment put and carried

Clause 28 as amended put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. C. J. Mathew *(Joint Secretary to Government):* I beg to move that the Bill be taken up and finally passed to-morrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Preservation of Eries Bill

Mr. A. Madhava Prabhu *(Diwan Peishkar):* I beg to present the report of the Select Committee on the Preservation of Eries Bill and move that the Bill be taken up for consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second the motion that the Bill as reported by the Select Committee be taken into consideration.

Mr. T. P. Poulose *(Kanayannur):* May I know Sir, the reason for making it applicable to the whole State? The Bill as introduced was intended to apply only to the Chittur Taluk. The Select Committee appointed to consider this Bill consisted of members from the Chittur Taluk alone and evidence was taken only from the people of Chittur Taluk. What was the reason for making it applicable to the whole State?

Mr. M. Sivarama Menon *(Advocate-General):* It was thought by some Hon'ble Members of this House that although this Bill may be of particular interest to Chittur Taluk it will have to be applied to other areas because there are irrigation canals in other parts of the State which also will have to be kept in a fit and proper condition. The Act can be brought into force only if any particular canal is notified as an Eri by the Government. It is only when particular Eries are notified in the Gazette as such that they come within the purview of the provisions of the Act.

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